

CONDITIONS OF APPROVAL

CU2004-0019 Conditional Use Permit Application:

If the Commission determines that all approval criteria for the Conditional Use are met, staff recommend the following conditions be considered:

- A. Prior to issuance of the site development permit, the applicant shall:**
1. Obtain approval of the Flexible Setbacks of the front and rear yards of the parent parcel. (CDD/ AJC)

FS2004-0017 Flexible Setback Application:

- A. Prior to issuance of the site development permit, the applicant shall:**
2. Submit deed restrictions which specifically address maintenance requirements for the zero setback wall on all portions of the property affected by the flexible setback. (CDD / AJC)

TP2004-0018 Tree Plan II Application:

- A. Prior to issuance of the site development permit, the applicant shall:**
3. Ensure that Tree Plan approval has not expired. In accordance with Section 50.90.1 of the Development Code, Tree Plan approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B.
 4. Ensure that the associated requests for the Conditional Use, Land Division and Flexible Setback have been approved by the City.
 5. The following trees shall be illustrated as to be preserved on the Site Development Permit: four 8-inch trees located along the western property line of proposed lot 10 as identified on the Tree Preservation Plan (Sheet 2A of 6) in Exhibit 3.
 6. Illustrate that a construction fence is placed around all trees proposed to be saved; the fence shall be placed no closer than the edge of the root zone.

B. During Site Development phase of the project, the applicant shall:

7. Ensure that all tree removal and tree preservation shall be conducted in accordance with the American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards.
8. Ensure that a construction fence is placed around all trees proposed to be saved; the fence shall be placed at least at the edge of the root zone. In addition, the fence shall be placed before construction starts and remain in place until construction is complete. The fence shall meet the following standards:
 - The fence shall be a four foot (4') tall orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy gauge 12 wire shall be attached to the top and midpoint of each point.
 - If the development cannot meet the above standards, then other City approved protection devices maybe used, provided that equal or greater protection will be achieved.
 - A tree protection inspection shall take place before construction shall take place.
9. Ensure that a certified arborist is on site during times of construction when community trees are being removed or construction is taking place within 5 feet of tree root zones of trees approved for preservation, to minimize potential damage caused by construction.

C. Prior to the issuance of any building permit, the applicant shall, for every individual lot:

10. Ensure that a construction fence remains around all trees proposed to be saved; the fence shall be placed at least at the edge of the root zone. In addition, the fence shall be placed before construction starts and remain in place until construction is complete. The fence shall meet the following standards:
 - The fence shall be a four foot (4') tall orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy gauge 12 wire shall be attached to the top and midpoint of each point.
 - If the development cannot meet the above standards, then other City approved protection devices maybe used, provided that equal or greater protection will be achieved.
 - A tree protection inspection shall take place before construction shall take place.

11. Shall ensure that an on-site certified arborist is to be on site during times of construction when community trees are being removed or construction is taking place within 5 feet of tree root zones of trees approved for preservation to minimize the potential damage caused by construction.

D. Prior to final inspection of any building permit or issuance of any certificates of occupancy from the City Building Official, the applicant shall:

12. Ensure that all activity associated with this application, all associated land use applications shall be carried out in accordance with the narrative, and plans marked Exhibit 3.
13. Ensure that no development shall take place within the protected root zone of trees which are proposed to be saved. Development includes, but is limited to:
 - a. New Buildings
 - b. Grade change or cut and fill during or after construction
 - c. New impervious surfaces
 - d. Trenching for utilities, irrigation, or drainage
 - e. Staging or storage of materials and equipment during construction
 - f. Vehicle maneuvering during construction
 - g. Any activity deemed by the City to be harmful to trees or roots within the construction site.

LD2004-0030 Land Division Application:

A. Prior to issuance of the site development permit, the applicant shall:

14. Submit a revised set of site plans for the Preliminary Partition Land Division updating the proposal to illustrate meeting the conditions of approval that apply. These plans shall match the Site Development Division's plan set in order to receive Development Services approval of the Final Plat. These plans shall reflect changes in the Preliminary Partition Land Division application. (CDD / AJC)
15. Preliminary Partition Land Division approval has not expired. In accordance with Section 50.90.1 of the Development Code, Land Division approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or

that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (CDD / AJC)

16. Contract with a professional engineer (or professional architect if allowed by the City Engineer) to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4303 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (February 2004, Resolution and Ordinance 2004-009), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
17. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4303; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
18. Have the ownership of the subject property guarantee all public improvements, storm water management (quality and quantity) facilities, site grading, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
19. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. For this project, the off-site storm water outfall and piping will need a public easement north of Canby Street as proposed. (Site Development Div./JJD)
20. Have obtained the City Building Official's approval of the private plumbing plan for facilities regulated under the Uniform Plumbing Code with Oregon Amendments. (Site Development Div./JJD)
21. Submit to the City a copy of issued permits or other approvals needed from the City of Portland for work within, and/or construction access to the Multnomah Boulevard right of way. (Site Development Div./JJD)
22. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans. (Site Development Div./JJD)

23. Demonstrate that the transition from public street to private street (Tract "A") meets Tualatin Valley Fire and Rescue District standards. (Site Development Div./JJD)
24. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
25. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections. (Site Development Div./JJD)
26. Submit a completed 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. (Site Development Div./JJD)
27. Submit a detailed water supply analysis (Fire Flow) to the City Building Official in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. (For more information, see http://www.tvfr.com/Dept/fm/brochures/fire_flow_and_hydrant_requirements.pdf) If needed, this analysis shall include an actual flow test and analysis by a professional engineer meeting the standards set by the City Engineer. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div./JJD)
28. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development Div./JJD)
29. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed for any common areas or private streets. The project shall be eligible for a storm water system development charge credit equal to the estimated construction cost value of extra capacity improvements as determined and administered by the City Utilities Engineer. (Site Development Div./JJD)
30. Submit a copy of issued permits or other approvals if needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within a jurisdictional wetland). (Site Development Div./JJD)

31. Provide plans showing a stormfilter vault (for treatment of the site's piped surface water runoff) with a minimum of 3.0 cartridges per impervious acre. Plans shall also show a trash capture water quality pre-treatment manhole (CDS manhole or City of Beaverton approved equivalent as determined by City Engineer) located in front any stormfilter vaults. Plans shall also show a high flow bypass system to bypass surface water runoff high flows (flows greater than the 5-year design storm) around the stormwater vaults. (Site Development Div./JJD)
32. The plans shall show access for a maintenance vehicle within 6-feet from the front, or within 15-feet from the side of a vehicle to all control structures unless otherwise specifically approved by the City Engineer. A direct route to the structures in the pond area shall be no steeper than 4(horizontal) to 1 (vertical) slope. This direct route shall be a minimum of 6-feet wide and have a surface consisting of the equivalent of 3-inches of $\frac{3}{4}$ "-minus crush rock (to allow walking access in winter) and vegetation shall allow easy access. This direct access route shall be delineated on the plans. (Site Development Div./JJD)
33. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. (Site Development Div./JJD)
34. Provide plans for street lights (Option C unless otherwise approved by the City Operations and Maintenance Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. (Site Development Div./JJD)
35. Have obtained the City Building Official's approval of the private plumbing plan for facilities regulated under the Uniform Plumbing Code with Oregon Amendments. (CDD / AJC)
36. Provide evidence that new street intersections meet City requirements for intersection sight distance. No obstructions shall be placed within the driveway intersection sight vision triangle except as provided by City Ordinance, including but not limited to parking. New street intersections shall meet sight distance criteria in the City's Engineering Design Manual for the design speed of the roadway. (Transportation/DRG)
37. Show a detail of the rubble retaining wall. The design shall substantially match the rockery wall design as shown at the end of this report.
38. Show on the landscape plan vegetative screening which will screen the proposal from the property to the south. The vegetative screening shall be evergreen and be maintained to a mature height of at least 20-feet.

B. Prior to building permit issuance, the applicant shall:

- 39. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
- 40. Have substantially completed the site development improvements as determined by the City Engineer, including streetlights being fully functional. (Site Development Div./JJD)
- 41. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, except high voltage lines (>57kV). (Site Development Div./JJD)
- 42. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
- 43. Pay a storm water system development charge (overall system conveyance) for each new equivalent surface unit. The project shall be eligible for a storm water system development charge credit equal to the estimated construction cost value of extra capacity improvements as determined and administered by the City Utilities Engineer. (Site Development Div./JJD)

C. Prior to approval of the final plat, the applicant shall:

- 44. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (streets graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./JJD)
- 45. Dedicate street right of way for a total of 30 feet from centerline on the south side of SW Canby Street to Beaverton Neighborhood Route Standards, for the frontage of the site (Development Code Sec. Code 60.55.10). (DRG / Transportation)
- 46. Name the north/south public street "SW Kelsi Avenue" in accordance with the City's Street Naming Guidelines. (Transportation/DRG)

D. Prior to final inspection of any building permit, the applicant shall:

- 47. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction along the house frontage. (Site Development Div./JJD)

48. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
49. Install “No Parking” signs along the private street and emergency access way leading to Multnomah Boulevard and in sections that are 20 foot in width. (Site Development Div./JJD)
50. Construct the south side of SW Canby Street to Beaverton Neighborhood Route Standards, including planter strip and 5 foot sidewalk, for the frontage of the site (Development Code Sec.’s 60.55.10 & 60.55.30). (Transportation/DRG)
51. Post “no parking” signs on the 20 foot wide section of SW Kelsi Avenue and on the internal private street in accordance with a street sign plan approved by the City Traffic Engineer. (Transportation/DRG)

E. Prior to release of performance security, the applicant shall:

52. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
53. Submit any required on-site easements, if not already granted through the subdivision plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant’s engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
54. Provide an additional performance security for 100 percent of the cost of twice-a-year (6-month interval) cleaning, maintenance, and filter recharge/replacement by Stormwater Management, Inc., for the StormFilter vault’s cartridges for a two-year period, as determined by the City Utilities Engineer. Alternatively, provide evidence satisfactory to the City Utilities Engineer of a pre-paid service contract with Stormwater Management, Inc., for maintenance of the StormFilters consisting of cartridge replacement and sediment removal per manufacture’s recommendations for a two year period from the date of performance acceptance. (Site Development Div./JJD)